

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SCCT-01 SY-05 IO-11 DHA-02

USSS-00 SAJ-01 ACDA-05 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM USMISSION USBERLIN

TO SECSTATE WASHDC PRIRTY 1968

AMEMBASSY BONN PRIORITY

INFO AMEMBASSY BERLIN UNN

AMEMBSSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L USBERLIN 0262

E.O.11652: GDS

TAGS: PGOV, PFOR, PINS, WB, GW, UR

SUBJECT: SOVIET STATEMENT ON POSSIBLE FEDERAL
PROSECUTION OF LORENZ KIDNAPPERS

REF: A) USBERLIN 252, B) BONN 2056, C) USBERLIN 214

1. SUMMARY: REFERRING TO RECENT PRESS REPORTS ON
SUBJECT: SOVIET EMBASSY NOTIFIED ALLIES AT POLAD LEVEL
FEBRUARY 12 THAT IT WOULD CONSIDER FEDERAL GERMAN
PROSECUTION OF SUSPECTS IN LORENZ ABDUCTION AND VON
DRENMANN ASSASSINATION CASES AS "GROSS CONTRADICTION"
TO PROVISION OF QA PROSCRIBING EXERCISE OF FRG STATE
AUTHORITY IN WESTERN SECTORS OF BERLIN. ALLIES WERE
ACCORDINGLY REQUESTED TO ENSURE THAT FRG PROSECUTOR'S
OFFICE DID NOT PARTICIPATE IN FORTHCOMING TRIAL.
CHAIRMAN POLAD (U.S.) RESPONDED THAT PRESS ACCOUNTS ON
SUBJECT AMOUNTED TO NO MORE THAN SPECULATION, AND THAT
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NO DECISION HAD IN FACT BEEN TAKEN YET. HE NOTED,

HOWEVER, THAT EVENTUAL PROSECUTION OF CASES WOULD BE IN ACCORD WITH LAWS IN EFFECT IN WESTERN SECTORS AND IN CONFORMITY WITH RESERVED ALLIED RIGHTS AND RESPONSIBILITIES. MISSION RECOMMENDS THAT FOR TIME BEING NO RESPONSE BE MADE TO SOVIET STATEMENT. END SUMMARY.

2. ACTING SOVIET EMBASSY COUNSELLOR TRENDELEV CALLED ON CHAIRMAN POLAD (U.S.) FEBRUARY 12 TO DELIVER FOLLOWING ORAL STATEMENT (COPY LEFT).

BEGIN TEXT: ACCORDING TO WEST GERMAN PRESS REPORTS, THE FRG AUTHORITIES ARE EXAMINING THE QUESTION OF THE PARTICIPATION IN HIS OFFICIAL CAPACITY OF THE FRG PROSECUTOR GENERAL IN THE INVESTIGATION OF THE MATTER OF THE KIDNAPPING OF THE CHAIRMAN OF THE WEST BERLIN CUD LORENZ AND THE ASSASSINATION OF THE CHAIRMAN OF THE WEST BERLIN HIGH COURT DRENKAMANN WHICH IS BEFORE THE HIGH COURT OF THE WESTERN SECTORS OF BERLIN (KAMMERGERICHT).

THE SOVIET SIDE CONSIDERS IT NECESSARY TO DECLARE THAT THE PARTICIPATION OF THE FRG FEDERAL PROSECUTOR OR OF ANY OTHER REPRESENTATIVE OF THE FEDERAL PROSECUTOR'S OFFICE IN THE ABOVE-MENTIONED COURT PROCEEDING IN THE COURT OF THE WESTERN SECTORS OF BERLIN WOULD BE A GROSS CONTRADICTION OF THE FOUR-POWER AGREEMENT OF SEPTEMBER 3, 1971, IN PARTICULAR WITH ITS PROVISIONS THAT THE STATE ORGANIZATIONS OF THE FRG DO NOT HAVE THE RIGHT TO CARRY OUT IN THE WESTERN SECTORS CONSTITUTIONAL OR OFFICIAL ACTS IN THE EXERCISE OF DIRECT STATE AUTHORITY OVER THE WESTERN SECTORS OF BERLIN (ANNEX 2, PARAGRAPH 2).

THE SOVIET SIDE EXPECTS THAT THE AUTHORITIES OF THE THREE POWERS WILL, IN ACCORDANCE WITH THEIR OBLIGATIONS UNDER THE FOUR-POWER AGREEMENT, TAKE THE APPROPRIATE MEASURE TO PREVENT THE INVOLVEMENT OF THE FRG FEDERAL PROSECUTOR IN THE ABOVE-MENTIONED COURT PROCEEDING. END TEXT.

3. POLAD SAID THAT HE WOULD TAKE THIS STATEMENT FOR INFORMATION. HE NOTED THAT THUS FAR THERE HAD BEEN CONFIDENTIAL

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ONLY NEWSPAPER REPORTS ON SUBJECT OF POSSIBLE FEDERAL PROSECUTION OF SUSPECTS IN LORENZ AND VON DRENKAMANN CASES, WHICH AMOUNTED TO NO MORE THAN SPECULATION. NO DECISION HAD IN FACT YET BEEN REACHED. POLAD TOLD TRENDELEV, HOWEVER, THAT SOVIETS COULD BE ASSURED THAT EVENTUAL PROSECUTION OF CASES WOULD BE IN ACCORDANCE WITH LAWS IN EFFECT IN WESTERN SECTORS AND IN CONFORMITY WITH RESERVED ALLIED RIGHTS AND RESPONSIBILITIES.

4. BY WAY OF REJOINDER TRANDELEV DREW ATTENTION ONCE
AGINA TO PROVISION OF QA CONERNING EXERCISE OF FRG
STATE AUTHORITY IN WESTERN SECTORS, EMPHASIZING THAT
SOVIETS CONSIDRED ACTIVITIES OF FEDERAL PROSECUTOR
AS FALLINGWITHIN SCOPE OF THESE PROVISIONS.

5. COMMENT: POLAD DID NOT PROMISE TRENDELEV ANY
FORMAL RESPONSE. IN CIRCUMSTANCES, OUR INCLINATION
WOUD BE TO REST WITH COMMENTS POLAD MADE, AT LAST
UNTIL SUCH TIME AS SOVIETS RETURN TO QUESTION IF AND
WHEN DECISION IN FAVOR OF FEDERAL PROSECTUION IS TAKEN
AND MADE PUBLIC.GEORGE

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